

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIFFANY SMITH,

Plaintiff,

vs.

**CITY OF OMAHA, a political
subdivision existing and organized
in the State of Nebraska; OMAHA
POLICE DEPARTMENT; ALEX
HAYES, Chief of Police, individually
and in his official capacity;
BENJAMIN EDWARDS, AAREN
ANDERSON, and JERALD
SWANSON, Omaha Police Officers,
individually and in their official
capacities; and JOHN DOES 1-100,**

Defendants.

**TIFFANY SMITH, as parent and
natural guardian of Deante Smith,**

Plaintiff,

vs.

**CITY OF OMAHA, a political
subdivision existing and organized
in the State of Nebraska; OMAHA
POLICE DEPARTMENT; ALEX
HAYES, Chief of Police, individually
and in his official capacity;
BENJAMIN EDWARDS, AAREN
ANDERSON, and JERALD
SWANSON, Omaha Police Officers,
individually and in their official
capacities; and JOHN DOES 1-100,**

Defendants.

8:12CV330

ORDER

8:12CV331

ORDER

This matter is before the court following a pretrial conference with counsel on October 17, 2014. Timothy L. Ashford represented the plaintiff. The plaintiff and her husband were present for the conference. Thomas O. Mumgaard and Ryan J. Wiesen represented the defendants. The court discussed the status of the case and the

plaintiff's Motion to Withdraw (Filing No. 155¹), Motion for Mandatory Mediation (Filing No. 156); and Motion to Continue (Filing No. 157). The plaintiff also moved for additional time to respond to the defendants' Motion in Limine (Filing No. 148). Upon consideration,

IT IS ORDERED:

1. The plaintiff's Motion to Withdraw (Filing No. 155) is granted effective November 17, 2014; prior to which time the plaintiff may engage new counsel. In the absence of new counsel entering an appearance on or before November 17, 2014, the plaintiff will be deemed proceeding *pro se* in 8:12CV330 and 8:12CV331 and Timothy L. Ashford will be relieved as counsel.
2. The plaintiff's Motion for Mandatory Mediation (Filing No. 156) is denied.
3. The plaintiff's Motion to Continue (Filing No. 157) is granted to the extent that the November 17, 2014, trial before Senior Judge Joseph F. Bataillon is continued *sine die* and will be rescheduled following a conference after November 17, 2014, with the plaintiff's new counsel or the plaintiff *pro se* and the defendants' counsel.
4. The plaintiff shall have until November 17, 2014, to respond to the defendants' Motion in Limine (Filing No. 148).
5. The defendants' Motion for Partial Summary Judgment (Filing No. 84) and Motion for Partial Summary Judgment For Hayes and Swanson (Filing No. 138) are deemed submitted. No additional briefing is permitted.

Dated this 17th day of October, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

¹ The court will cite to 8:12CV330 unless otherwise noted.